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PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



August 01, 2002

TO: PARTIES OF RECORD IN APPLICATION 00-10-012 et al.

Decision 02-05-047 was mailed on May 21, 2002, without the Joint dissent of President Lynch and Commissioner Wood. Attached herewith is the dissent.

/s/ CAROL A. BROWN  
Carol A. Brown, Interim Chief  
Administrative Law Judge

CAB:mnt/epg

Attachment

Joint Dissent of President Loretta M. Lynch and Commissioner Carl Wood

Our dissent to this decision is based on two primary concerns. First, we disagree that the Commission should approve the proposed at-grade crossing at Del Mar boulevard. Secondly, we believe that the Blue Line Construction Authority has not provided full information about several issues to the Commission and other parties throughout this case. The decision approved by the majority, in its silence, condones this behavior.

First, after reviewing the plans, staff reports and multitude of comments from the parties on these crossings, we share the concerns of the “No Blue Line at Grade” (OR “NOBLAG) Group, our own staff and the Administrative Law Judge (ALJ) about the future complex at Del Mar. This complex will add 347 new apartments, several businesses, and 1,200 to 1,500 parking spaces. This development will only add to what is already one of the busiest, if not the busiest, crossing along the entire project. Train operators will have restricted sight lines to traffic at the intersection when heading south, as will motorists and pedestrians to the train. Although 4-quadrant gates will add some measure of safety, as the proposed decision states, “if gates were the definitive solution to crossing protection there would never be instances where drivers or pedestrians crash through them on their way to an accident.” The sight lines for both train operators and motorists will be severely restricted as compared with sight lines for the remainder of the project.

The decision adopted by the majority mitigates the restricted sight lines by requiring a somewhat slower speed through the Del Mar portal. The decision cautions that “should conditions arise that would compromise the public safety at any of these at-grade crossings, staff should promptly commence a formal proceeding for the purpose of re-evaluating the need for a grade separation or a road closure.” What kinds of conditions other than pedestrian and motorist injuries or fatalities would motivate such a re-evaluation? Why not prevent any such possible tragedies now, while the project is still under construction and it might be possible, economically, to do so? A significant amount of digging is going on right now for the 1,500 space garage. We believe that the Blue Line should take advantage of this opportunity, coordinate the parking structure and grade separation construction, and provide what we know would be a safer crossing and Del Mar station for the Pasadena community.

Unfortunately, coordination has been lacking in this proceeding from the outset. We are very concerned at the Blue Line Authority’s lack of disclosure to PUC staff and to other parties about the full scope and scale of the Del Mar development. Indeed, the PUC would not know about the full magnitude of this development but for the efforts of NOBLAG. The lack of disclosure on Del Mar, as well as the last minute change to the agreement with the staff, on Pasadena Avenue East/West are very troubling. In our view, we should not reward the Blue Line Construction Authority’s lack of disclosure on Del Mar by looking the other way at real safety issues.

We should be clear that we share the Blue Line's, the community's, and our colleagues', enthusiasm for this project. We are familiar with the Pasadena area and fully appreciate how critical this transportation link will be for Pasadena families and businesses. We strongly support transit villages. But we are concerned that allowing safety issues to persist will compromise their future success, not only in Pasadena. We join the Commission's safety experts in cautioning our colleagues to recall that our primary role is to ensure that all crossings, including Del Mar, are constructed in the safest way possible. The artist's rendition of the future development at the Del Mar station promises an attractive addition to the Pasadena community. We doubt that approving it at grade, even with the protections proposed, will be the safest option. Ultimately, we believe that the ALJ's proposed decision most appropriately balanced safety with the construction of much needed transit lines, and therefore dissent from the alternate decision adopted by the majority.

Dated July 31, 2002 in San Francisco, California.

/s/ LORETTA M. LYNCH

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Loretta M. Lynch  
President

/s/ CARL WOOD

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Carl Wood  
Commissioner

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